
Public Utilities Commission of the State of California

Public Agenda 3154

Thursday, June 16, 2005 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

John A. Bohn

Geoffrey F. Brown

Dian M. Grueneich

Susan P. Kennedy

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, June 27, 2005 (San Francisco)	Thursday, June 30, 2005 (San Francisco)
Monday, July 18, 2005 (San Francisco)	Thursday, July 21, 2005 (San Francisco)
Monday, August 22, 2005 (San Francisco)	Thursday, August 25, 2005 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 40, 48

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Consent Agenda - Orders and Resolutions

- 1**
[4586] **Res W-4536 - Warring Water Service, Inc. (WWS).**
This resolution authorizes WWS a general rate increase producing additional annual revenue of \$77,570 or 24.5% in test year 2005.
Agenda 3153, Item 24 5/26/2005 (Staff)
- 2**
[4501] **Res ALJ 176-3154**
Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196397
- 3**
[4591] **A04-04-014 - Telepacket, Inc. (Applicant).**
This decision dismisses Applicant's request for a certificate of public convenience and necessity to provide facilities-based and resold services in this state without prejudice, based on Applicant's failure to submit information required to complete the application. This proceeding is closed.
(Comr Kennedy - ALJ Prestidge)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197425
- 4**
[4606] **Res W-4539 - The Sea Ranch Water Company (SRWC).**
This resolution authorizes SRWC a general rate increase in water rates producing an increase in annual revenue of \$146,904 or 22.98% for test year 2004.
Agenda 3153, Item 33 5/26/2005 (Staff)

Consent Agenda - Orders and Resolutions (continued)

- 5**
[4608] **Res W-4538 - Southern California Water Company.**
This resolution records status of Southern California Water Company's reserve account recovery filings and results of earnings tests. (Advice Letter (AL) 1151-W-A, filed August 26, 2004; AL 1152-W-B, filed September 7, 2004; AL 1153-W, filed April 30, 2004; AL 1154-W, filed May 3, 2004; AL 1155-W-A, filed May 4, 2004; AL 1156-W, filed May 3, 2004; AL 1157-W-C, filed February 28, 2005; AL 1158-W-C, filed February 28, 2005; AL 1159-W-A, filed August 19, 2004; AL 1160-W-A, filed August 26, 2004; AL 1161-W-A, filed August 19, 2004; AL 1162-W-A, filed August 26, 2004; AL 1163-W-A, filed August 19, 2004; AL 1164-W-A, filed August 19, 2004; AL 1165-W-A, filed August 19, 2004; AL 1166-W-A, filed August 26, 2004)
- 6**
[4615] **A04-03-013 - AT&T Communications of California, Inc. and WorldCom, Inc.**
The request by AT&T Communications of California, Inc. and WorldCom, Inc. to review SBC California's shared and common costs and shared transport costs is denied. This proceeding is closed.
(Comr Brown - ALJ Duda)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197422
- 7**
[4616] **Res T-16899**
This resolution grants the request for voluntary revocation of the certificates of public convenience and necessity held by Teleconnect Company (U-5130); Camacho Communications Corporation (U-5321); Nationwide Cellular Service, Inc. (U-5372); USLD Communications, Inc. (U-5485); Transcommunications Incorporated (U-5729); OpTel (California) Telecom, Inc. (U-5797); 8x8, Inc. (U-6622); Paxx Telecom, LLC (U-6471); MercedNet, Inc. (U-6533); and Econodial (U-6700).
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195362
- 8**
[4619] **R01-05-047 - Order Instituting Rulemaking on the Commission's own motion to determine whether baseline allowances for residential usage of gas and electricity should be revised.**
This decision grants the Petition of Pacific Gas and Electric Company to modify D04-02-057. The modifications are minor to clean up two ambiguities in accounting procedure. This proceeding is closed.
(Comr Brown - ALJ Barnett)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197454

Consent Agenda - Orders and Resolutions (continued)

- 9**
[4620] **A01-09-003 - Pacific Gas and Electric Company (PG&E).**
This decision dismisses the application as it was resolved in the PG&E bankruptcy proceeding. This proceeding is closed.
(Comr Brown - ALJ Barnett)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197360
- 10**
[4622] **A05-01-030 - Americatel Corporation dba 1010 123 Americatel, and Almendral, S.A.**
This decision denies the Petition for Modification of D05-03-033 filed by Americatel Corporation and Almendral, S.A. (Petitioners). Petitioners seek elimination of the requirement in that decision that they have at least \$25,000 on deposit in a United States bank. Petitioners claim that because they have assets of \$337 million and cash of \$12 million in the nation of Chile, the requirement is an unnecessary administrative burden. This decision finds that a telecommunications company doing business in California must provide evidence of its financial responsibility to pay employees, creditors, and ratepayers by having a modest amount on deposit in this country. Thus, the decision retains the \$25,000 deposit requirement. This proceeding is closed.
(Comr Brown - ALJ Thomas)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195558
- 11**
[4624] **C04-06-036 - Dick Schattinger (Complainant) vs. Southern California Edison Company (Defendant).**
This complaint began when complainant sought \$4,450 in reimbursement from defendant for his cost of tree removal. Defendant refused to pay because Resolution E-3824 and Advice Letter 1730-E permitted reimbursement only for the cost of tree removal which occurred after April 2, 2003. Complainant's costs were incurred on December 11, 2002. This decision authorizes payment for tree removal costs occurring after March 11, 2002. This proceeding is closed.
(Comr Brown - ALJ Barnett)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197432
- 12**
[4625] **Res T-16943**
This resolution authorizes the disbursement for grants for Indian Springs School District from the California High Cost Fund-A for the Rural Telecommunications Grant Program.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195667

Consent Agenda - Orders and Resolutions (continued)**13 Res T-16944**

[4626]

This resolution authorizes the disbursement for grants for Tule River Indian Reservation from the California High Cost Fund-A for the Rural Telecommunications Grant Program.

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195675

14 Res T-16945

[4627]

This resolution authorizes the disbursement for grants for Community of Charleston View in Inyo County from the California High Cost Fund-A for the Rural Telecommunications Grant Program.

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195690

15 A04-12-009 - Supra Telecommunications and Information Systems, Inc. and H.I.G. Supra, Inc.

[4629]

This decision approves the transfer of control of Supra Telecommunications and Information Systems, Inc., pursuant to Pub. Util. Code Section 854. This proceeding is closed.

(Comr Peevey - ALJ Kenney)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195130

16 A04-05-026 - Connect Paging, Inc., dba Get A Phone (Applicant).

[4630]

This decision grants Applicant a certificate of public convenience and necessity authorizing the provision of limited facilities-based and resold local exchange and interexchange telecommunications services. This proceeding is closed.

(Comr Kennedy - ALJ Prestidge)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=193997

17 (ECP) C05-01-028 - Billy Wayne French vs. Pacific Gas and Electric Company (PG&E).

[4631]

Billy Wayne French alleges that PG&E encroached upon his property with its electric overhead line facilities along Hogan Dam Road in Calaveras County. The complaint is dismissed for the reason that the Commission does not have jurisdiction to determine the property rights at issue, and PG&E's Tariff Rule 15 does not require that these facilities be placed underground. This proceeding is closed.

(Comr Peevey - ALJ Patrick)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195175

Consent Agenda - Orders and Resolutions (continued)

- 18**
[4641] **Res W-4541 - Havasu Water Company.**
This resolution grants Havasu Water Company the authority to issue 15,000 shares of common stock, \$1.00 par value at a price of \$10.00 per share for water system improvements. (Advice Letter 31, filed March 24, 2005)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=193377
- 19**
[4643] **Res W-4542 - Erskine Creek Water Company, Inc. (ECWC).**
This resolution authorizes ECWC a one-time surcharge to recover an increase in water testing costs producing an increase in annual revenue of \$7,485.35 or 2.26%. (Advice Letter 65, filed April 7, 2005)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=194672
- 20**
[4645] **A05-02-008 - DLC Cubed Corporation.**
This decision grants the application of DLC Cubed Corporation (DLC) and the owners of East Bay Connection, Inc. (East Bay), an airport shuttle business, to sell 100% of the stock of, and transfer the control of, East Bay to DLC, pursuant to Public Utilities Code Section 854. This proceeding is closed. (Comr Kennedy - ALJ Prestidge)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=193469

Consent Agenda - Orders and Resolutions (continued)

21

[4648]

A04-11-007 - Pacific Gas and Electric Company (PG&E).

A04-11-008 - Related matters. This decision approves a stipulation signed by all active parties in this proceeding, in which PG&E and Southern California Edison Company (Edison) seek authority to offer rate and line extension incentives that will induce agricultural customers to convert their diesel pumping engines to electric service, thus improving air quality in California's central valleys. Under the stipulation, customers signing up for the program will pay an initial rate of \$0.07539 per kWh, which represents a 20% discount from PG&E's current rates and a 12.5% discount from Edison's. The rate would increase by 1.5% per year and remain in effect for 10 years. Converting customers would also receive adders (in addition to the utilities' usual line extension allowances) based on the size of the new electric engine and the resulting reduction in NOx reductions. Ratepayers are protected from excessive costs by the stipulation's provisions that (1) limit total capital expenditures for line extension allowances and adders to \$27.5 million for PG&E and \$9.17 million for Edison, and (2) tie the amount of the adder to the size of the new electric engine. The decision also grants PG&E and Edison an exemption from Pub. Util. Code § 851 so they can promptly transfer air emission credits received by converting customers to the California Air Resources Board or local air districts. The decision also finds that The Utility Reform Network is eligible to seek intervenor compensation for its work in this proceeding, and that the Agricultural Energy Consumers Association is preliminarily eligible, subject to making a showing of significant financial hardship. The proceeding remains open to consider intervenor compensation requests.

(Comr Brown - ALJ McKenzie)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197398

22

[4652]

A05-02-001 - Santa Cruz Transportation Inc., dba Santa Cruz Airporter, and Santa Cruz Airporter, LLC.

This decision authorizes Santa Cruz Transportation, Inc. to transfer its passenger stage corporation certificate to Sant Cruz Airporter, LLC. This proceeding is closed.

(Exam Clark)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

23

[4653]

A05-03-021 - Petar Grabovcic, dba Alpha-Trans Airporter (Applicant).

This decision authorizes Applicant to operate as a passenger stage corporation between points in Alameda, San Francisco, San Mateo, and Santa Clara Counties, on the one hand, and San Francisco, Oakland, and San Jose International Airports, on the other hand; and to establish a zone of rate freedom. This proceeding is closed.

(Exam Clark)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Orders and Resolutions (continued)

- 24**
[4654] **A04-04-027 - Coral Lyn Alquist, dba My Cab (Applicant).**
This decision authorizes Applicant to operate as a passenger stage corporation transporting primarily children between points in Thousand Oaks, Westlake Village, and Agoura Hills, and to establish a zone of rate freedom. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
- 25 (Rev.)**
[4655] **A05-02-025 - Southern California Edison Company (SoCal Edison).**
This decision authorizes SoCal Edison to issue short-term notes in an aggregate principal amount not to exceed, at any one time, \$441,288,502 beyond that authorized by Pub. Util. Code Section 823(c); to secure short-term notes; and encumber utility property. This proceeding is closed.
(Exam Coughlan)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
06/09/2005 - This revision was not shown on the Agenda mailed to the public.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=193320
- 26**
[4656] **A04-12-027 - State of California, Department of Transportation (Caltrans).**
This decision grants Caltrans' request to construct a grade-separated highway-rail crossing, Avenue 22 Overhead, over the track and right of way of the Union Pacific Railroad Company in Madera County. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196042
- 27**
[4657] **A04-12-028 - State of California, Department of Transportation (Caltrans).**
This decision grants Caltrans' request to construct a grade-separated highway-rail crossing, Mission Avenue Overhead, over the track and right-of-way of the Union Pacific Railroad Company in Merced County. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196048
- 28**
[4663] **A05-01-010 - Calaveras Telephone Company (Calaveras).**
This decision authorizes Calaveras to borrow \$7,762,000 from the Rural Utilities Service and to execute mortgages and security instruments. This proceeding is closed.
(Exam Coughlan)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196587

Consent Agenda - Orders and Resolutions (continued)

- 29**
[4666] **Res E-3917 - Southern California Edison Company (SCE).**
SCE requests approval of its 2003 Quarterly Short-Term Procurement Transaction Filings demonstrating that electric and natural gas procurement activities executed during the period April 1 through December 31, 2003 comply with the guidelines set forth in its Short-Term Procurement Plan filed with the Commission on November 12, 2002, as modified on January 13, 2003. (Advice Letter (AL) 1723-E, filed July 15, 2003, AL 1753-E, filed October 15, 2003, and AL 1774-E, filed January 30, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196414
- 30**
[4667] **A02-05-046 - Southern California Edison Company (SCE).**
Regarding the future disposition of the Mohave Generating Station. This decision awards the Natural Resources Defense Council \$219,244.45 in compensation for its contribution to D04-12-016.
(Comr Peevey - ALJ Brown)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=194450
- 31**
[4668] **Res E-3934 - Southern California Edison Company (SCE).**
SCE requests approval of six new renewable resource procurement contracts with: Liberty Biofuels Power, Sierra Biomass, Green Borders Geothermal, Mountain View Power Partners IV (wind), Coram Energy (wind) and Aero Energy (wind). (Advice Letter 1876-E, filed March 8, 2005)
- 32**
[4671] **R04-04-003 - Order Instituting Rulemaking to promote policy and program coordination and integration in electric utility resource planning.**
This decision awards the Union of Concerned Scientists \$124,943.30 in compensation for its contribution to D04-12-048.
(Comr Peevey - ALJ Brown)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=194508
- 33**
[4672] **A05-05-008 - San Diego Gas & Electric Company (SDG&E).**
This decision approves SDG&E's application for authorization pursuant to Pub. Util. Code § 851 to lease a portion of its property located at 10975 Technology Drive in San Diego, California to ADP Tax Services, Inc. This proceeding is closed.
(Comr Brown - ALJ Prestidge)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196310

Consent Agenda - Orders and Resolutions (continued)

34 **R01-08-028 - Order Instituting Rulemaking to examine the Commission's future energy efficiency policies, administration and programs.**
[4677]

This decision awards the Natural Resources Defense Council \$64,325 in compensation for contributions to Decisions 03-12-060, 04-02-059, 04-09-060, 04-12-019, and 05-01-055.

(Comr Kennedy - ALJ Gottstein)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=193992

35 **A04-11-005 - Pac-West Telecomm, Inc.**
[4685]

This decision adopts the arbitrated interconnection agreement in Pac-West Telecomm, Inc.'s petition for arbitration of an interconnection agreement with SureWest Telephone pursuant to 47 U.S.C. Section 252(b). This proceeding is closed.

(Comr Peevey - ALJ Jones)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196989

Regular Agenda

Regular Agenda - Energy Orders

36

[4517]

A00-11-038 - Southern California Edison Company.

For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. This decision denies San Diego Gas & Electric Company's petition to modify D04-12-014, which adopted a permanent methodology for allocating the Department of Water Resources' annual revenue requirement.

(Comr Brown - ALJ Allen)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3153, Item 37 5/26/2005 (Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=194298

36a

[4662]

ALTERNATE TO ITEM 4517

A00-11-056, A00-10-028 - Related matters. This alternate decision grants, in part, SDG&E's petition to modify D04-12-014, which adopted a permanent methodology for allocating the Department of Water Resources' annual revenue requirement.

(Comr Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197399

37

[4571]

A04-07-044 - Pacific Gas and Electric Company (PG&E).

This order resolves all outstanding issues in PG&E's application to allocate certain costs among various rates for natural gas services and to establish gas throughput forecasts upon which to base those rates. This order adopts several settlements filed by the parties on various issues and resolves three other outstanding disputed matters. As a result of this order, PG&E's residential gas rates will increase by about 1.2% per therm. Small commercial rates will decrease very marginally by 1%. Large commercial core rates will fall by 5% and the rates of large commercial customers that take transportation only will fall by 22.7% as a result of partial deaveraging ordered today. Industrial transportation rates increase by 1.9% for transmission level service and distribution rates increase by 3.6%.

(Comr Brown - ALJ Malcolm)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3153, Item 40 5/26/2005 (Grueneich)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196990

Regular Agenda - Energy Orders (continued)

38 **R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and Decision 01-09-060.**
[4618]

This decision grants, in part and denies, in part, the California Municipal Utilities Association Petition to Modify D04-12-059 and 03-08-076 (Petition), filed February 16, 2005. The Petition relates to the determination of a Municipal Departing Load cost responsibility surcharge within the service territories of California's three major electric utilities.

(Comr Brown - ALJ Pulsifer)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=193573

39 **I02-04-026 - Order Instituting Investigation into the ratemaking implications for Pacific Gas and Electric Company (PG&E) pursuant to the Commission's Alternative Plan of Reorganization under Chapter 11 of the Bankruptcy Code for PG&E, in the United States Bankruptcy Court, Northern District of California, San Francisco Division, In re Pacific Gas and Electric Company, Case No. 01-30923 DM.**
[4623]

A04-07-032 - Related matters. This decision grants in part and denies in part petitions to modify D04-02-062 and D04-11-015. The petitions are granted to the extent they seek to exempt new MDL from the RAC and ERB charges, subject to certain limitations. The petitions are denied to the extent they seek to exempt transferred load from the RAC and ERB charges. A04-07-032 is closed.

I02-04-026 remains open.

(Comr Peevey - ALJ Kenney)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196921

40 **C04-05-014 - Utilisource, fka Eastern Pacific Energy, Inc. vs. Southern California Edison Company.**
[4644]

Utilisource, fka Eastern Pacific Energy, Inc. (Utilisource), an electric service provider, filed a complaint against Southern California Edison Company seeking an order that Utilisource be entitled, as of October 2002, to provide electric power to certain affected customers that had valid contracts prior to September 20, 2001. This decision denies the requested relief because Utilisource breached its obligation to comply with all applicable laws, tariffs, and Commission requirements, or to timely appeal or seek to modify these requirements. This decision also denies Utilisource's appeal to the Presiding Officer's Decision. This proceeding is closed.

(Comr Brown - ALJ Econome)

Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197061

Regular Agenda - Energy Orders (continued)

41

[4669]

A02-05-004 - Southern California Edison Company (SCE).

For authority to, among other things, increase its authorized revenues for electric service in 2003, and to reflect that increase in rates. I02-06-002 - Related matters. This decision grants intervenor compensation awards of \$97,978.20, \$102,827.31, and \$497,687.74, respectively, to Aglet Consumer Alliance, Greenlining Institute, and The Utility Reform Network. These awards are made for each intervenor's substantial contributions to D04-07-022.

(Comr Kennedy - ALJ Wetzell)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=194936

Regular Agenda - Energy Resolutions and Written Reports**42 Res E-3921 - Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E).**
[4468]

This resolution approves, subject to modification, changes to new residential electric and gas line and service extension allowances, and monthly charges for unused capacity of line extensions for new non-residential customers of SCE and SDG&E per Rules 15 and 16. It also requires SCE and SDG&E to clarify and coordinate language in Rules 2, 15, 16 and associated rules, to explain how the monthly cost of ownership charge relates to the Cost of Service (COS) factor, which is used in the calculation of the allowances. SDG&E shall work with the Energy Division to revise the language of the Agreement for Extension and Construction of Overhead/Underground Electric and Gas Facilities. (SCE Advice Letter (AL) 1847-E, filed December 15, 2004 and SDG&E AL 1647-E/1494-G, filed December 20, 2004)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3152, Item 18 5/5/2005 (Staff);

Agenda 3153, Item 42 5/26/2005 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197411

43 Res E-3919 - San Diego Gas & Electric Company (SDG&E).
[4510]

SDG&E requests clarification that its Net Energy Metering Tariff for Biogas Customer-Generators applies to non-residential customers only. SDG&E's request to exclude residential load is denied. (Advice Letter 1599-E, filed July 15, 2004)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3153, Item 43 5/26/2005 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=193398

44 Res E-3918 - Pacific Gas and Electric Company (PG&E).
[4572]

PG&E submits electric rate Schedule E-SDL to specify charges and provisions applicable to Split-Wheeling Departing Load. Approved with modifications. (Advice Letter 2579-E, filed November 5, 2004)

Agenda 3153, Item 45 5/26/2005 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=194257

Regular Agenda - Energy Resolutions and Written Reports (continued)

45

[4583]

Res G-3375 - Southern California Gas Company (SoCalGas).

SoCalGas requests authorization to implement a new transmission service rate schedule, Schedule No. GT-DGN. Under Schedule No. GT-DGN, SoCalGas will offer firm and interruptible transmission service to the Distribuidora de Gas Natural de Mexicali, S. DE R.L. DE C.V. (DGN) Mexicali border receipt point located in Calexico. This resolution denies SoCalGas Advice Letter 3405 without prejudice. (Advice Letter 3405, filed September 10, 2004)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=194595

Regular Agenda - Telecommunication Orders

- 46**
[4508] **A04-05-017 - WilTel Communications, LLC aka Williams Communications, LLC (WilTel).**
This decision denies the application of WilTel to amend its certificate of public convenience and necessity. WilTel asks the Commission to allow it to build out its fiber optic telecommunications facilities without analysis under the California Environmental Quality Act of the environmental impact of the new construction it proposes. This proceeding is closed.
(Comr Peevey - ALJ Thomas)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Agenda 3153, Item 47 5/26/2005 (Kennedy)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197420
- 46a**
[4661] **ALTERNATE TO ITEM 4508**
This alternate decision grants WilTel's application to amend its CPCN on an interim basis subject to certain proffered conditions.
(Comr Kennedy)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196190
- 47**
[4614] **I02-05-001 - Investigation into NOS Communications, Inc. , dba International Plus, 011 Communications, Internet Business Association, I-Vantage Network Solutions; Affinity Network, Inc., dba QuantumLink Communications and HorizonOne Communications; and corporate officers of NOS and ANI, to determine whether they have violated laws, rules, and regulations governing the manner in which California subscribers are solicited, switched from one presubscribed carrier to another, and billed for telephone services.**
This decision approves a revised settlement agreement filed on January 19, 2005. Under the agreement, the respondents agree to pay \$25 in restitution to each of 1400 eligible customers and to pay the Commission \$2.9 million over a 24-month period. In addition, for two years following approval of the settlement, respondents agree to abide by the terms of a consent decree they entered into with the Federal Communications Commission in a related proceeding. The decision concludes that the revised settlement agreement adequately addresses the reservations expressed in D04-06-017 about the parties' prior settlement agreement, and satisfies the condition set forth in Ordering Paragraph 1 of D04-12-021, a related proceeding. This proceeding remains open only to deal with the application for rehearing of D04-06-017, which respondents have represented they will withdraw upon the issuance of this decision.
(Comr Brown - ALJ McKenzie)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197328

Regular Agenda - Telecommunication Orders (continued)

48

[4683]

I04-06-008 - Investigation on the Commission's own motion into the fitness of the officers, directors, owners and affiliates of Clear World Communications Corporation, U-6039, including individual officers, directors and shareholders James, Michael, and Joseph Mancuso, and into the conduct of other utilities, entities, or individuals (including Christopher Mancuso) who or that may have facilitated the Mancusos' apparent unlicensed sale of telecommunications services.

Following a lengthy investigation, the Commission concludes that two predecessor companies of Clear World Communications Corporation (Clear World) operated as unauthorized resellers of long distance service in California between the years 1997 and 1999 and were not "agents" of other licensed resellers, and the Commission further concludes that the assets of one of these companies were transferred to Clear World without authorization. Based on penalties assessed in similar cases in the past, the Commission imposes a fine of \$100,000. As to Clear World itself, the Commission concludes that while incidents of fraudulent sales of long distance service by some of its telemarketers may have occurred, the evidence is insufficient to show systemic violations by Clear World or its principals. However, because the record demonstrates inconsistencies in regulatory compliance by this company, the Commission imposes additional reporting requirements on Clear World to ensure its continued compliance with requirements of the Public Utilities Code. The appeals of the decision of the Presiding Officer by two parties are denied. This proceeding is closed.

(Comr Brown - ALJ Walker)

Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195753

Regular Agenda - Telecommunication Resolutions and Reports**49****Res T-16941 - SBC California (SBC).**

[4595]

This resolution accepts SBC's advice letter regarding its compliance filing for D04-02-063 and D04-09-061. ORA filed a protest that it would be premature to conclude that SBC's filing satisfied all the directions set forth in D04-02-063 and D04-09-061. (Advice Letter 25978, filed December 22, 2004)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195523

Regular Agenda - Water/Sewer Resolutions and Reports

50

Res W-4540

[4607]

This resolution authorizes all Class B, C, and D water and sewer companies a cost-of-living rate increase or cash flow rate increase subject to refund with authorized rates effective as of filing or the first day of the test year.

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Regular Agenda - Other Utility Orders**51 R_____ - Order Instituting Rulemaking to implement Senate Bill No. 1488 (2004 Cal. Stats., Ch. 690 (Sept. 22, 2004)) relating to confidentiality of information.**
[4611]

This order implements Senate Bill No. 1488 (2004 Cal. Stats., Ch. 690 (Sept. 22, 2004)), which requires that the Commission examines its practices regarding confidential information (Public Utilities Code §§ 454.5(g) and 583, and the Public Records Act, Gov. Code § 6250, et seq) to ensure meaningful public participation in the Commission's proceedings, and open decisionmaking, while taking account of the Commission's obligations under §§ 454.5(g) and 583 to protect the confidentiality of certain types of information.

Agenda 3153, Item 48 5/26/2005 (Staff)

Regular Agenda - Legal Division Matters**52 WC Docket No. 04-36 (FCC)**

[4564] In the matter of IP-Enabled Services, WC Docket No. 04-36 (FCC). To consider filing comments in the FCC's rulemaking proceeding regarding IP-enabled services.
Agenda 3152, Item 23 5/5/2005 (Staff);
Agenda 3153, Item 49 5/26/2005 (Staff)

53 Res L-317

[4565] This Resolution would authorize the Commission's Executive Director to cancel, suspend or revoke the license of Charter Party Carrier whose principals have been convicted of misdemeanors involving the Charter Party Carrier statute or certain categories felonies including robbery, larceny, burglary, fraud or intentional dishonesty. The Consumer Protection and Safety Division would report information about criminal convictions to the Executive Director who would in turn take action with regard to the operating permit of the carrier. The Executive Director is authorized to act without prior notice to the carrier to revoke, suspend or cancel the carriers' license pursuant to PU Code 5378(a)(3).
Agenda 3152, Item 24 5/5/2005 (Staff);
Agenda 3153, Item 50 5/26/2005 (Brown)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196858

54 Res L-318

[4566] This Resolution would authorize the Commission's Executive Director to cancel, suspend or revoke the license of Household Goods Carriers whose principals have been convicted of misdemeanors involving the HHG statute or certain types of felonies; including burglary, robbery, fraud or intentional dishonesty for personal gain. The Consumer Protection and Safety Division would report information about criminal convictions to the Executive Director who would in turn take action with regard to the operating permit of the carrier. The Executive Director is authorized to act (without prior notice to the carrier) to revoke, suspend or cancel the carriers' license pursuant to PU Code 5285(d).
Agenda 3152, Item 25 5/5/2005 (Staff);
Agenda 3153, Item 51 5/26/2005 (Brown)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196836

55 FCC CC Docket No. 98-170

[4659] In the Matter of Truth-in-Billing and Billing Format, National Association of State Utility Consumer Advocates' Petition for Declaratory Ruling Regarding Truth-in-Billing, FCC CC Docket No. 98-170, CG Docket No. 04-208. Recommendation that Commission file comments on FCC Notice of Proposed Rulemaking re: Truth in Billing Rules.

Regular Agenda - Legal Division Matters (continued)

55a (Rev.) ALTERNATE TO ITEM 4659

[4704]

In the Matter of Truth-in-Billing and Billing Format, National Association of State Utility Consumer Advocates' Petition for Declaratory Ruling Regarding Truth-in-Billing, FCC CC Docket No. 98-170, CG Docket No. 04-208. Recommendation that Commission file comments supportive of FCC's actions to protect consumers via establishment of national disclosure rules in response to FCC Notice of Proposed Rulemaking re: Truth in Billing Rules.

(Comr Kennedy)

06/15/2005 - This item was not listed on the agenda distributed to the public.

Regular Agenda - Legislative Matters - Discussion

- 56** **AB 67 (Levine)**
[4600] Electricity: rates: report to Legislature.
 Agenda 3153, Item 52 5/26/2005 (Staff)
- 57** **AB 736 (J. Horton)**
[4492] Public utilities: regulation.
 Agenda 3151, Item 40 4/21/2005 (Staff);
 Agenda 3152, Item 27 5/5/2005 (Staff);
 Agenda 3153, Item 55 5/26/2005 (Staff)
- 58** **AB 903 (De La Torre)**
[4483] Cable television franchises.
 Agenda 3151, Item 32 4/21/2005 (Staff);
 Agenda 3152, Item 30 5/5/2005 (Staff);
 Agenda 3153, Item 56 5/26/2005 (Staff)
- 59** **AB 1010 (Oropeza)**
[4621] Rail transit
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197139
- 60** **AB 1380 (Gordon)**
[4562] Telco: new area codes.
 Agenda 3152, Item 36 5/5/2005;
 Agenda 3153, Item 57 5/26/2005 (Staff)
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195854
- 61** **AB 1576 (Nunez)**
[4538] Electrical corporations: rates; repowering projects.
 Agenda 3152, Item 39 5/5/2005 (Staff);
 Agenda 3153, Item 60 5/26/2005 (Staff)
- 62** **SB 580 (Escutia)**
[4542] Public Utilities Commission: Low-income Oversight Board.
 Agenda 3152, Item 49 5/5/2005 (Staff);
 Agenda 3153, Item 64 5/26/2005 (Staff)
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197194
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Regular Agenda - Legislative Matters - Discussion (continued)

- 63** **SB 608 (Escutia)**
[4491] PUC: Division of Ratepayer Advocates: office of the public advisor.
 Agenda 3151, Item 39 4/21/2005 (Staff);
 Agenda 3152, Item 50 5/5/2005 (Staff);
 Agenda 3153, Item 65 5/26/2005 (Brown)
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195861
- 64** **SB 769 (Simitian)**
[4540] Energy Reliability and Affordability Act.
 Agenda 3152, Item 51 5/5/2005 (Staff);
 Agenda 3153, Item 66 5/26/2005 (Staff)
- 65** **SB 1059 (Escutia)**
[4528] Electric transmission corridors.
 Agenda 3152, Item 54 5/5/2005 (Staff);
 Agenda 3153, Item 69 5/26/2005 (Staff)
- 66** **SB 1068 (Escutia)**
[4546] Telco: consumer protection.
 Agenda 3152, Item 55 5/5/2005 (Staff);
 Agenda 3153, Item 70 5/26/2005 (Staff)
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197192
- 67** **SJR 13 (Escutia)**
[4679] Railroad safety.
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197140

Regular Agenda - Commissioner's Reports

Regular Agenda - Management Reports and Resolutions

68

[4647]

Director Richard Clark Report

Designation of Consumer Protection and Safety Division investigator authorized to exercise the limited powers of a peace officer within the scope of his duty as specified in Penal Code Section 830.11 and Pub. Util. Code Section 308.5. This matter will be presented before the Commission for discussion and action.

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

Closed Session - Non-Federal

- 69** **Conference with Legal Counsel - Applications for Rehearing**
 [4503] Compilation of applications for rehearing recently filed with the Commission.
 Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
- 70** **R01-10-024 - Conference with Legal Counsel - Application for Rehearing**
 [4592] Disposition of Applications for Rehearing of D04-06-011 filed by The Utility Reform Network and the Utility Consumers Action Network, the City of Chula Vista and the Alliance for Retail Energy Markets. In D04-06-011, the Commission approved a motion filed by San Diego Gas & Electric Company (SDG&E) to enter into new electric resource contracts with Comverge, Envirepel, Ramco, Palomar and Otay Mesa. These contracts were the result of a request for proposal issued by SDG&E to solicit bids to procure energy to meet its short- and long-term grid reliability needs.
 Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
 Agenda 3153, Item 74 5/26/2005 (Staff)
- 71** **R04-01-025 - Conference with Legal Counsel - Application for Rehearing**
 [4673] The Utility Reform Network (TURN) and Ratepayers for Affordable Clean Energy (RACE) filed a joint application for rehearing of D04-09-022 on October 12, 2004. RACE also separately filed an application for rehearing of D04-09-022 on October 12, 2004. D04-09-022 adopts policies concerning the Phase One proposals of Southern California Gas Company, San Diego Gas & Electric Company, Pacific Gas & Electric Company, and Southwest Gas Company. These proposals were filed in accordance with this Order Instituting Rulemaking, which was opened to ensure that California does not face a natural gas shortage in the future. The policies adopted in D04-09-022 are part of the State's overall effort to implement and fulfill the Energy Action Plan's goal.
 Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Closed Session - Non-Federal (continued)

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A04-03-035 - Conference with Legal Counsel - Application for Rehearing

[4675]

Disposition of Application for Rehearing of D04-11-022 filed by Verizon California (Verizon). The Commission denied a Motion for Summary Judgement filed by SBC Communications and Verizon seeking authority to price retail services below their respective costs to meet a competitor's offer, while granting the Motion to approve "total if the floors" pricing as a general concept.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Closed Session - Initiation of Litigation - Non-Federal

Consideration of possible Commission initiation of, or intervention in, litigation.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

73

[4594]

Conference with Legal Counsel - Initiation of Litigation

Deliberation on institution of proceeding or disciplinary actions against person or entities under the Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced and disclosure could also jeopardize the ability to effect personal service on the Respondent.)

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.

Agenda 3153, Item 75 5/26/2005

Closed Session - Threatened Litigation - Non-Federal

Significant exposure to litigation

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Personnel Matters

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

Gov. Code § 11126(a), allows this item to be considered in Closed Session

Closed Session - Threatened Litigation - Federal

Significant exposure to litigation in federal agency or court proceedings.

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Initiation of Litigation - Federal

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

74 FERC Docket No. ER05-____-000 - Conference with Legal Counsel - Initiation of Litigation

[4598]

Pastoria Energy Facility, LLC, FERC Docket No. ER05-____-000 (docket number not yet assigned)

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Agenda 3153, Item 76 5/26/2005 (Staff)

75 No. 98-488C - Conference with Legal Counsel – Initiation of Litigation

[4658]

Sacramento Municipal Utility District v. United States, U.S. Court of Federal Claims, No. 98-488C.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

76 FERC Docket No. ER05-985-000 - Conference with Legal Counsel - Initiation of Litigation

[4682]

Trans Bay Cable LLC, FERC Docket No. ER05-985-000.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Closed Session - Federal**77**

[4505]

Case Nos. C 04-00580 VRW (Bankruptcy Case No. 01 30923 DM) - Conference with Legal Counsel - Existing Litigation

Loretta Lynch vs. California Public Utilities Commission, Pacific Gas and Electric Company (Debtor), U.S. District Court for the Northern District of California, Case No. C 04-00580 VRW; Pacific Gas and Electric Company (Debtor), United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01 30923 DM.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.

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[4575]

FERC Docket No. ER05-406 - Conference with Legal Counsel - Existing Litigation

Williams Power Company, Inc., FERC Docket No. ER05-406.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.

Agenda 3153, Item 79 5/26/2005 (Staff)

Closed Session - FERC Docket No. EL00-95-000

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., EL00-95-000

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.